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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/714,456	11/17/2000	Martin Derleth	027/49351	5099

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CROWELL & MORING LLP  
INTELLECTUAL PROPERTY GROUP  
P.O. BOX 14300  
WASHINGTON, DC 20044-4300

EXAMINER

MORROW, JASON S

ART UNIT

PAPER NUMBER

3612

DATE MAILED: 09/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application N .

09/714,456

Applicant(s)

DERLETH ET AL.

Examiner

Jason S. Morrow

Art Unit

3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 16-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 16-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nonaka et al. in U.S. Patent 4,559,868.

Re claims 16, 17, 19, and 20, Nonaka et al. (Nonaka hereafter) discloses a dashboard for a vehicle comprising a housing part (29) and a cover part (6), wherein the housing includes a fastening structure comprising an arm (see Fig. 2) and the cover includes a slotted recess (around 49 in Fig.2). Nonaka further discloses that the slot and arm portions are angled towards the passenger compartment, and that with the cover and housing part assembled, they form a HVAC duct. Nonaka also discloses that the vehicle has a windshield, but fails to specifically state that the vehicle comprises a cross member to which the windshield is mounted. One of ordinary skill in the art would recognize that a cross member upon which to mount a windshield is a necessary structure in any vehicle having a windshield, and is therefore an inherent feature in any such vehicle. Additionally, Nonaka fails to disclose a peripheral leg on the housing which is engagable in a slot on the cover. Nonaka does disclose, however, a slot on the housing part (32) with a peripheral leg from the housing extending into the slot- both of which are inclined towards the passenger compartment. It would have been further obvious to one of ordinary skill in the art to modify the invention of Nonaka to reverse the slot and the arm such that the slot was in the

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cover (as is in the upper portion of the cover), and the peripheral leg extends from the housing part as an obvious reversal of parts.

Furthermore, regarding claims 16 and 19, the housing part of Nonaka is mounted to the vehicle, with the cover part detachably fixed to the housing part.

Regarding claims 18 and 21, Nonaka fails to disclose the specific materials used in the construction of the cover portion, however the use of the structure and materials recited in claims 18 and 21 is well known in the art, and it would have been obvious to one of ordinary skill in the art to use such construction, as it provides a rigid panel with insulating (both thermal and acoustic) properties.

### *Response to Arguments*

3. Applicant's arguments filed 8/7/03 have been fully considered but they are not persuasive. Applicant first argues that the structure the Examiner refers to as a "slotted recess (around 49 in Fig. 2)" does not receive a "fastener". However, the part 49 does help to fasten the upper part of the cover to the base. While it is not the only fastener, it is there to help the cover and base stay together and can therefore be considered a fastener.

Applicant further argues that the upper panel is not detachably fixed to the wall portion (29) following installation of the windshield so as to be removable and replaceable. However, it is clear the upper panel is fixed to the wall portion following the installation of the windshield whenever the vehicle is completely assembled. Furthermore, there is nothing in the disclosure that indicates the cover part is not detachably connected to the housing. Screws and the above-mentioned arm 49 attach the two together and do not appear to be permanent in nature.

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Furthermore, automobiles are usually constructed such that most parts can be removed for maintenance. Nothing in the disclosure of Nonaka suggests that the windshield must be removed to remove the cover part. It doesn't appear from the disclosure or drawings that such a procedure would be necessary, as there doesn't appear to be any structural connection between the windshield and the cover.

### ***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason S. Morrow whose telephone number is (703) 305-7803. The examiner can normally be reached on Monday-Friday, 8:00a.m.-4:30p.m..

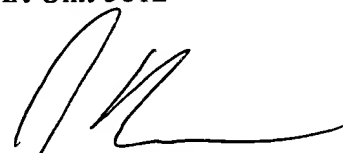
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (703) 308-3102. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Jason S. Morrow  
Examiner  
Art Unit 3612

jsm  
August 28, 2003

  
**JASON MORROW**  
**PATENT EXAMINER**  
8/28/03

 8/29/03  
**STEPHEN T. GORDON**  
**PRIMARY EXAMINER**